Section 51 of the VICTORIA POLICE ACT state’s that the police duties and powers are as a constable at common law.

Accordingly, a constable is not meant to be directed by Government or senior police as to whom they should prosecute.

See: R v Cmr of Police of the Metropolis; Ex parte Blackburn (1968)

**VICTORIA POLICE ACT 2013 (NO. 81 OF 2013) - SECT 51**

**Duties and powers of police officers**

A police officer who has taken and subscribed the oath or made and subscribed the affirmation under [section 50](http://www.austlii.edu.au/au/legis/vic/num_act/vpa201381o2013210/s50.html) has—

        (a)     the duties and powers of a constable at common law; and

        (b)     any duties and powers imposed or conferred on a police officer by or under this or any other Act or by or under any subordinate instrument.

Below is the definition of a constable from the LexisNexis Australian legal dictionary:

**Text

Description automatically generated**

### Acting under Dictation

This may happen where an inferior authority having a discretion in a matter allow some unauthorized superior authority to dictate to it by declining to act without the superior authority’s consent or by submitting to the wishes or instructions of that superior authority in its decision-making. Where a discretionary power is vested in a decision-maker personally, the decision-maker must turn his or her mind to the exercise, and cannot act at the discretion or behest of another person. A repository of a personal discretionary power will act invalidly if he or she makes a decision without exercising his or her own independent discretion but instead merely carries out instruction given by his or her superiors.

**www.lawteacher.net**

How can police be set apart as authorised health officers under the PUBLIC HEATH AND WELLBEING ACT, when the PUBLIC ADMINISTRATION ACT expressly forbids the police from being authorised health officers?

**PUBLIC HEALTH AND WELLBEING ACT 2008 - SECT 30**

**Secretary may appoint authorised officers**

1. The [Secretary](http://classic.austlii.edu.au/au/legis/vic/consol_act/phawa2008222/s3.html#secretary) by instrument may appoint a [person](http://classic.austlii.edu.au/au/legis/vic/consol_act/phawa2008222/s3.html#person) employed under Part 3 of the **Public Administration Act 2004**to be an [authorised officer](http://classic.austlii.edu.au/au/legis/vic/consol_act/phawa2008222/s3.html#authorised_officer) for the purposes of this Act.

### PUBLIC ADMINISTRATION ACT 2004 - SECT 106

**Act not to apply to certain persons**

    (1)     Except to the extent that a provision of this Act otherwise expressly provides, this Act does not apply to a person in his or her capacity as, or to the appointment or employment of a person as—

(i)     a [police officer](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/paa2004230/s4.html#police_officer), police reservist, police recruit or protective services officer under the **Victoria Police Act 2013**;

This should be all the evidence one needs to prove that the Government and police actions are not justified, regarding their management of the alleged Covid-19 pandemic.